

Decision 03-06-062 June 19, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara Valley Transportation Authority for an order approving safety of the design, construction and operation of a grade-separated crossing of Hamilton Avenue (82D-5.60-B) by a light rail transit line and a grade-separated pedestrian crossing at Hamilton Station (82D-5.65-AD) of a freight railroad line as part of the Vasona Corridor Light Rail Project in the City of Campbell, County of Santa Clara.

Application 02-12-040
(Filed December 27, 2002)

O P I N I O N

Summary

Santa Clara Valley Transportation Authority (VTA) requests authority to construct a grade-separated highway-rail crossing of Hamilton Avenue (CPUC Crossing No. 82D-5.60-B), and to construct a grade-separated pedestrian rail-crossing (CPUC Crossing No. 82D-5.65-AD) of the existing tracks of the freight railroad line as part of the Vasona Corridor Light Rail Project in the City of Campbell, County of Santa Clara.

The original application contained a typographical error in the caption of the application. The proposed crossings were described correctly but the application caption referred to the crossing numbers as “82D-5.60” and “82D-5.65.” The correct numbers are “82D-5.60-B” and “82D-5.65-AD.” The caption of the proceeding is corrected accordingly.

Discussion

MTA was created as a County department by the Santa Clara County Board of Supervisors on June 6, 1972 to oversee the region's transportation system. MTA's primary responsibility since its creation has been the development, operation and maintenance of the bus and light rail system within the County. MTA separated from the County of Santa Clara and merged with the region's Congestion Management Agency in January 1995; it thereby gained the additional responsibility of managing the County's blueprint to reduce congestion and improve air quality.

The substantial growth and development that has taken place in Santa Clara County during the last decades has caused transportation system deficiencies in the Vasona Corridor, as well as throughout the County. To address the resulting increase in traffic demand on the County's transportation system, a comprehensive transportation plan was established. The plan identified the future deficiencies in the county's transportation system by identifying the planned transportation system improvements in relation to the existing need and anticipated population growth. One of the conclusions of the plan was that the Vasona Corridor was an important corridor to be considered for future transit improvements.

The Vasona Light Rail Project will be an extension to the existing 28.6-mile MTA light rail system (see Appendix A). The alignment of the proposed Vasona Corridor extends from downtown San Jose to the Vasona Junction in City of Los Gatos. The northerly terminus of the alignment is at the intersection of West San Carlos Street and Woz Way in downtown San Jose, where the Vasona line connects to the existing Guadalupe Corridor line. From this point, the alignment extends to the west along San Carlos Street to Delmas Avenue, passing under

State Route 87. The line extends north along the east side of Delmas Avenue to San Fernando Street, at which point the alignment turns west again. The line continues to the San Jose/Diridon Station on an alignment to the north of San Fernando Street, crossing Los Gatos Creek on a proposed new bridge. The segment west of Autumn Street, including the location where the line crosses the existing Union Pacific Railroad Company's (UP) and Peninsula Corridor Joint Powers Board's (Caltrain) Diridon Yard tracks, is underground. After crossing under the yard tracks at the San Jose/Diridon Station, the alignment returns to the surface and heads in a southerly direction along the west side of the Diridon Yard tracks. From a point just south of Park Avenue, the proposed alignment utilizes the existing Vasona railroad corridor. The project remains within the railroad corridor all the way to the Vasona Junction in City of Los Gatos. Existing freight rail service in this corridor will continue unchanged, although the existing single track will be relocated in many areas to allow for construction of the light rail tracks.

The proposed project is expected to be funded in three phases. Phase 1 constructs the portion of the project from downtown San Jose to the Downtown Campbell Station. Phase 2 extends the light rail transit (LRT) line from the Downtown Campbell Station to the Winchester Station. Phase 3 extends the LRT line from the Winchester Station to the Vasona Junction Station in Los Gatos.

The highway-rail crossing of light rail vehicles (LRV) at Hamilton Avenue was first proposed by VTA to be an at-grade crossing (Application 01-01-003). The Rail Crossings Engineering Section (RCES) protested this proposed at-grade crossing, due to very heavy automobile traffic, heavy proposed LRV traffic and the close proximity of the northbound on-ramp for Highway 17/State Route 880.

By Decision (D.) 02-12-053, the Commission agreed with RCES's position and denied VTA's request for an at-grade crossing at Hamilton Avenue.

The relocation of the existing heavy rail tracks, owned by the VTA but operated on by the UP, was initially requested via a General Order (GO) 88-A, as a minor modification to an existing highway-rail crossing. The major criteria for a GO 88-A request is that all parties, railroad, local agency and the Commission are in concurrence with the need and design of the modification. RCES did not object to the heavy rail portion of the highway-rail crossing remaining at-grade due to very light UP freight traffic and low speeds, and the fact the allowable track grades are much more stringent for heavy rail than for LRV trackage (thereby making the practicability of a grade-separation questionable). RCES did not concur with several design features, and denied VTA's GO 88-A request. VTA subsequently filed this application for the same design, which RCES protested. On March 13, 2003, VTA filed a supplement to its application with the changes requested by RCES. The Commission in D.03-05-026, dated May 8, 2003 approved the modification of the heavy rail relocation.

The LRV crossing will be grade-separated over Hamilton Avenue on a single-track structure. Traveling in a north to south direction, the light rail track will begin to rise above the grade approximately 600 feet north of Hamilton Avenue and will return to grade 200 feet north of Highway 17. At its highest point in the median of Hamilton Avenue, the aerial structure will be 32 feet above the existing ground.

The Hamilton Station is part of the Vasona Corridor Light Rail Extension and will be located on the light rail structure immediately south of and over Hamilton Avenue. Pedestrian access to the station will be via a pedestrian bridge constructed over the freight railroad track. The grade-separated

pedestrian rail-crossing will be accessed by stairs and an elevator from a plaza area located in the southeast quadrant of the railroad corridor and the Hamilton Avenue intersection. A rendering of the proposed station is included as Appendix D.

MTA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. A Draft Environmental Impact Report for the Vasona Corridor Light Rail Transit Project was released to the public in October 1999, beginning the formal review period. MTA and the Department of Transportation, Federal Transit Administration (FTA) authority prepared a Final Environmental Impact Report (EIR)/ Final Environmental Impact Statement (EIS) in March 2000 in accordance with CEQA and the National Environmental Policy Act (NEPA). The EIS/EIR evaluated the proposed rail transit project and several alternatives. Public scoping meetings were held on April 14-15, 1999, at which meetings, the light rail project was discussed at length with local citizens in the surrounding communities. In addition, there had been previously a period of public comment where local citizens were asked to write in their comments and concerns regarding impact on their properties or other pertinent matters. Comments by the public, where feasible, were incorporated into the environmental documents and considered in the preparation of the EIS/EIR of the Light Rail Corridor.

On May 4, 2000, a Notice of Determination was filed with the State Secretary of Resources - Office of Planning and Research, Sacramento and the County Clerk Recorder's Office - Santa Clara County, City of San Jose. The Notice of Determination, which is included in Appendix B, advised all interested parties that the MTA was in compliance with Section 21108 of the California Public Resources Code. The original environmental documentation was

prepared with an at-grade crossing of Hamilton Avenue. On March 6, 2003, the FTA issued a "Finding of No Significant Impact" for the grade-separated crossing of Hamilton Avenue, and this document was furnished to the Commission in a Supplement To Application filed March 13, 2003.

MTA has approved the proposed project as the environmentally superior alternative and further stated that:

1. The project will not have a significant effect on the environment.
2. An EIR was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

A certification was made by the State Clearinghouse that the EIR with comments, responses and record of the project approval was made available to the general public at the Environmental Analysis, Building B in the City of San Jose on May 5, 2000.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities which must be conducted by a responsible agency are contained in CEQA Guideline Section 15096. RCES has inspected the site of the proposed crossings. RCES examined the need to construct the proposed

crossings, as indicated in the exhibits attached to the application, and recommends that the application be approved.

The Commission has reviewed the lead agency environmental documents and we find these documents adequate for our decision-making purposes. The EIS included an analysis of potential environmental effects, including impacts related to transportation and traffic, air quality, noise and vibration, energy, land use, socio-economics and environmental justice, vegetation and wildlife, water quality, floodplains, geology, hazardous materials, magnetic fields and interference, cultural resources, aesthetic considerations, safety and security, construction and growth-inducing impacts.

The EIS analyzed 35 potential environmental impacts in the above specified areas. Of that number, 17 were found to have no effect, be not substantial, potentially beneficial or beneficial; 18 were found to have potentially significant or significant effects. However, mitigation measures were adopted and will be implemented as specified by the lead agency to either eliminate or substantially lessen those environmental impacts. Safety and security, transportation and noise are within the scope of the Commission's permitting process. In particular, we have considered the following information.

The proposed project will reduce overall vehicle-miles-traveled (VMT) and vehicle-hours-traveled (VHT) in Santa Clara County. Reducing traffic congestion will also reduce auto emissions that degrade air quality. This is a beneficial impact because a decrease in VMT and VHT reduces congestion, air pollution and energy consumption.

One significant transportation impact was identified, but not at this location.

Noise impacts were identified as exceeding FTA thresholds at various residences along the alignment as well as vibration levels, which may exceed FTA thresholds at those locations. These impacts would be mitigated to less-than-significant levels by mitigation measures including the construction of soundwalls, building modifications, if required, and the use of vibration-dampening track construction materials and/or trenches if required. In addition, special track design and lubrication will be employed to reduce wheel squeal.

A Safety and Security Impact was identified as security at the proposed raised station. This impact would be mitigated to less-than-significant level by incorporating increased lighting, security monitoring, and more frequent security patrols.

As to each of the potentially significant or significant impacts identified in the EIS within the scope of the Commission's permitting authority and discussed above, the Commission finds the lead agency adopted feasible mitigation measures to either eliminate or substantially lessen the impacts to less-than-significant levels. We adopt the VTA's findings and required mitigation measures for purposes of our approval.

The application is in compliance with the Commission's filing requirements, including Rules 38 to 41 of the Rules of Practice and Procedure. A site map of the grade crossing is shown as Appendix A.

In Resolution ALJ 176-3105, dated January 16, 2003 and published in the Commission's Daily Calendar on January 17, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since there are no outstanding protests and no hearings were held, this preliminary determination remains accurate. The Commission's Consumer Protection and Safety Division recommends that this

application, including the supplement filed by VTA on March 13, 2003, be granted. Given these developments a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3105.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311 (g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published first in the Commission's Daily Calendar on December 31, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. VTA requests authority to construct a grade-separated highway-rail crossing at Hamilton Avenue by the LRT line, and a grade-separated pedestrian rail-crossing of a freight rail line of the Vasona Light Rail Project in San Jose, Santa Clara County.

3. Construction of the proposed project is an essential element in the construction of the Vasona Light Rail Extension Project. The project is required in order to provide quality and accessible public transportation system in the Vasona/Highway 17 Corridor area within the Cities of San Jose, Campbell and Los Gatos. The goal is to construct a system which is convenient, is integrated with other rail and bus service, and which minimizes environmental effects on existing land uses to the extent practical. The benefits of the project include a

reduction in automobile trips, improvements in air quality and a reduction in energy usage.

4. Public convenience and necessity require the modification of the existing at-grade highway-rail heavy rail crossing.

5. VTA is the lead agency for this project under CEQA, as amended, and NEPA.

6. VTA prepared an EIR and an EIS in March 2000, State Clearinghouse Document #99032027, as shown in Appendix C.

7. The EIS/EIR was approved by FTA, pursuant to (State) Division 13, Public Resources Code (Federal) 42 U.S.C. 4332 (2) (c) on May 15, 2000.

8. A Notice of Determination was filed on May 4, 2000, with the State Secretary of Resources - Office of Planning and Research, which stated that "the project will not have a significant effect on the environment." On March 6, 2003 the FTA issued a Finding of No Significant Impact.

9. The EIS analyzed 35 potential environmental impacts. Of that number, 18 were found to have potentially significant or significant effects. However, mitigation measures were adopted and will be implemented as specified by the lead agency to either eliminate or substantially lessen those environmental impacts.

10. Safety, security, transportation and noise are within the scope of the Commission's permitting authority.

11. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's EIS/EIR for the Vasona Corridor Light Rail Transit Project, prepared for and approved by the FTA and the VTA.

12. The Commission finds that for each potentially substantial environmental impact identified in the EIS/EIR within the scope of the Commission's permitting authority and discussed in this decision, the lead agency adopted feasible mitigation measures to eliminate or substantially lessen the impacts to less-than-significant levels.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Santa Clara Valley Transportation Authority (VTA) is authorized to construct a grade-separated highway-rail crossing of Hamilton Avenue (82D-5.60-B) and a grade-separated pedestrian rail-crossing of a freight rail line (82D-5.65-AD) for the Vasona Light Rail Project in City of Campbell, Santa Clara County, at the location shown in Appendix A.
2. Clearances and walkways shall be in accordance with General Order (GO) 26-D and GO 143-B.
3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
4. Prior to construction, VTA shall file with Consumer Protection and Safety Division's Rail Crossings Engineering Section (RCES) final construction plans.
5. Within 30 days after completion of the work under this order, VTA shall notify RCES in writing, by submitting a completed standard CPUC Form G

(Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.

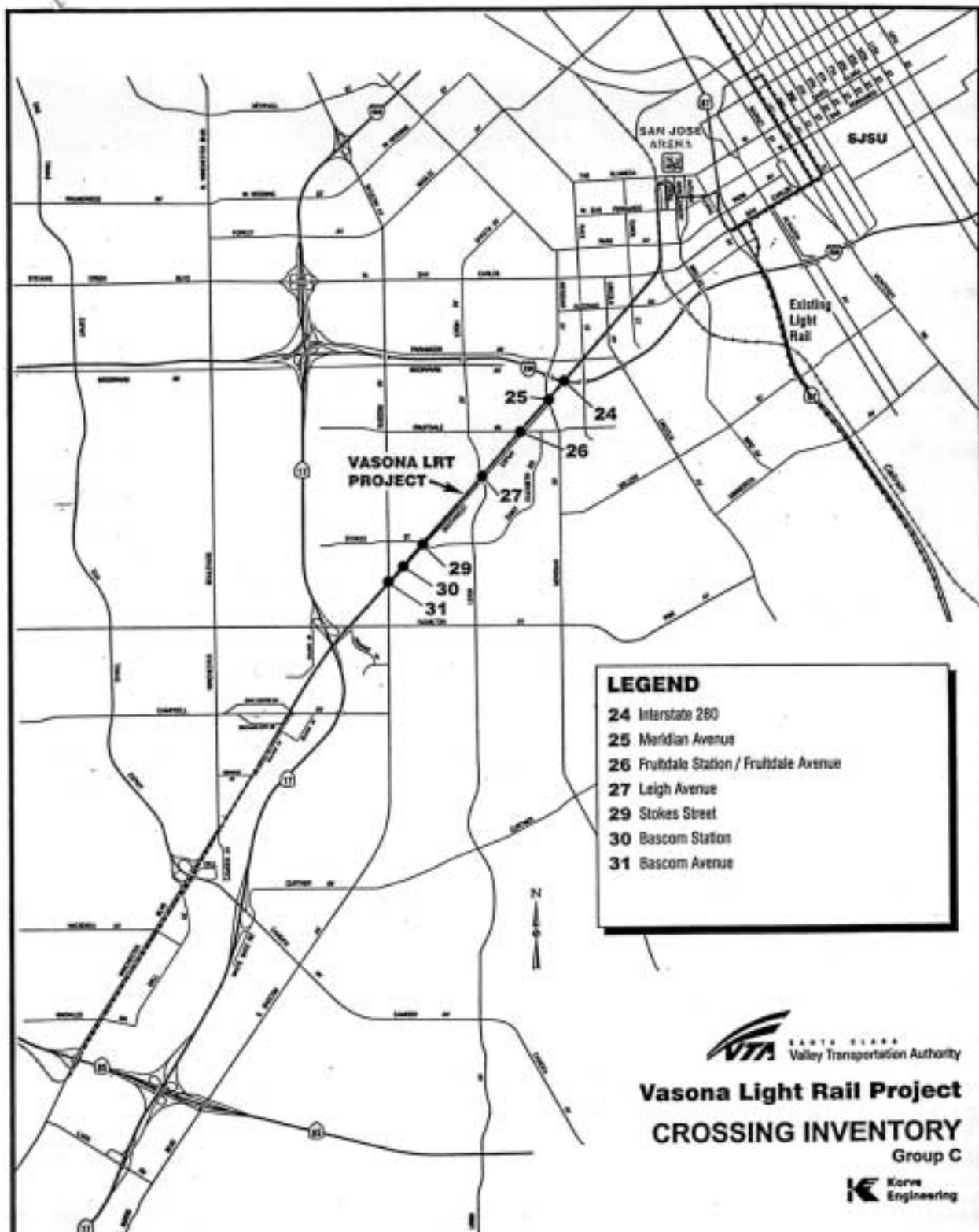
8. Application 02-12-040 is closed.

This order is effective today.

Dated June 19, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners

APPENDIX A



APPENDIX B

RECEIVED <div style="border: 1px solid black; padding: 5px; display: inline-block;">MAY 8 2000</div> STATE CLEARINGHOUSE	
Notice of Determination	
To: <u> X </u> Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814 <u> X </u> County Clerk Recorder's Office County of Santa Clara 70 West Hedding Street, First Floor San Jose, CA 95110	From: Santa Clara Valley Transportation Authority 3331 North First Street, Building B San Jose, CA 95134-1906
Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.	
<u>Vasona Corridor Light Rail Project</u>	
Project Title	
<u>99032027</u> State Clearinghouse Number (If submitted to Clearinghouse)	<u>Julie Klingmann</u> Lead Agency Contact Person
<u>14081321-5789</u> Area Code/Telephone/Extension	
<u>Downtown San Jose through Campbell into Los Gatos, Santa Clara County, California</u> Project Location (include county)	
Project Description: The Project extends light rail 6.8 miles from downtown San Jose through the City of Campbell to the Town of Los Gatos in Santa Clara County California. The proposed alignment is from the existing system, along West San Carlos Street to Delmas Avenue, north to San Fernando Street, then along the future street alignment of San Fernando Street. From there the alignment would enter a tunnel, under the San Jose/Diridon Railroad yard, then surface to follow the west side of the UPRR tracks south to Vasona Junction, near Highway 85, in Los Gatos. The proposed project would, ultimately, include eleven stations and five Park and Ride lots with Transit Centers.	
This is to advise that the <u>Santa Clara Valley Transportation Authority</u> has approved the above described project <input checked="" type="checkbox"/> Lead Agency <input type="checkbox"/> Responsible Agency on <u>May 4, 2000</u> and has made the following determinations regarding the above described project: (Date)	
1. The project [<input type="checkbox"/> will <input checked="" type="checkbox"/> will not] have a significant effect on the environment. 2. <input checked="" type="checkbox"/> An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. <input type="checkbox"/> A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. 3. Mitigation measures [<input checked="" type="checkbox"/> were <input type="checkbox"/> were not] made a condition of the approval of the project. 4. A statement of Overriding Considerations [<input type="checkbox"/> was <input checked="" type="checkbox"/> was not] adopted for this project. 5. Findings [<input checked="" type="checkbox"/> were <input type="checkbox"/> were not] made pursuant to the provisions of CEQA.	
This is to certify that the final EIR with comments and responses and record of the project approval is available to the General Public at: <u>3331 North First Street, Environmental Analysis, Building B, San Jose, CA 95134-1906 contact: Julie Klingmann</u>	
<u>Julie Klingmann</u> Signature Julie Klingmann, VTA	<u>May 5, 2000</u> Date
<u>Environmental Analyst</u> Title	
Date received for filing at OPR:	

APPENDIX B

FTA-CA-EIS-99-xx-F

State Clearinghouse # 99032027

**Vasona Corridor Light Rail Transit Project
Santa Clara County, California**

**FINAL
ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT**

*Pursuant to (State) Division 13, Public Resources Code
(Federal) 42 U.S.C. 4332 (2) (c)*

**U.S. DEPARTMENT OF TRANSPORTATION
Federal Transit Administration**


and

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY


Federal Transit Administration

MAR 15 2000

Date


Santa Clara Valley
Transportation Authority

3/22/00
Date

The following persons may be contacted for additional information concerning this document.

Julie Klingmann
Environmental Analysis Department
Santa Clara Valley Transportation Authority
3331 N. First Street, Building B
San Jose, CA 95133-1906
(408) 321-5789

Jerome Wiggins
Region 9
Federal Transit Administration
201 Mission Street - Room 2210
San Francisco, CA 94105-1926
(415) 744-3115

ABSTRACT: The Santa Clara Valley Transportation Authority (VTA) [also known as the Santa Clara County Transit District (SCCTD)] proposes to construct a 10.9-kilometer (6.8-mile) extension of its existing light rail transit (LRT) system into the Vasona Corridor of Santa Clara County, California. The extension will pass through portions of the Cities of San Jose, Campbell, and Los Gatos. The project will provide a high-quality public transportation facility which will directly connect to other existing commuter and intercity rail lines and bus routes. This report discloses the environmental impacts of this proposed action which include increases in noise and vibration, relocation of businesses and residences, a loss of riparian habitat, and a visual/aesthetic impacts.

APPENDIX D

